INDEX TO VOLUME 82

Leading Articles

Application of a Constitutionally-Based Duty of Fair Representation to Union Hiring Halls ..... *Robert M. Bastress* 31

Applying Strict Liability to Defective Products Litigation in West Virginia with Explanatory Emphasis upon Coal Mining Machinery Cases ..... *Richard E. Rowe* 13

Black Lung Benefit Trusts as a Federal Self-Insurance Alternative ..... *Peter M. Kelley* 847

Clean Air Act Proceedings Affecting National Coal Markets: An Examination of the Authority of the President to Allocate Markets ..... *James M. Friedman* 867

Clementine in the 1980's (EEO and the Woman Miner) ..... *Thomas H. Barnard* 899
Brenda J. Clark

Coal: The Coming Decade ..... *The Honorable Jennings Randolph* 835

Commentary—Funding the Federal Judiciary ..... *John M. Slack* 1

Commentary—The Federal Criminal Code Reform Act and New Sentencing Alternatives ..... *Senator Edward M. Kennedy* 423

A Common Sense Approach to Coal's Role in Resolving America's Energy Crisis ..... *John D. Rockefeller IV* 841

A Comparative Study of Miners' Training and Supervisory Certification in the Coal Mines of Great Britain, the Federal Republic of Germany, Poland, Romania, France, Australia, and the United States: The Case for Federal Certification of Supervisors and Increased Training of Miners ..... *J. Davitt McAteer* 937
L. Thomas Galloway

Essay—Fighting for their Lives: The Applicability of the Fairness Doctrine to Violence in Children's Television Programming ..... *Thomas Barton* 285

Essay—The Pit and the Pendulum: The Senate and S. 1403 ..... *Robert J. Shostak* 1221

Essay—The Rockefeller Amendment: Its Origins, Its Effect and Its Future ..... *Dennis M. Abrams* 1241

The Law of Medical Malpractice in West Virginia ..... *Michael J. Farrell* 251

Legal Representation of the Mentally Ill ..... *James R. Elkins* 157

A New Generation of United States Savings Bonds—Series EE and HH ..... *Paul S. Dalton* 439

A New Program for the Management of Federal Coal Reserves ..... *Guy R. Martin* 1019

Prior Crime Impeachment of Criminal Defendants: A Constitutional Analysis of Rule 609 ..... *Gene R. Nichol Jr.* 391

Regulatory Authority Under the Surface Mine Control and Reclamation Act of 1977 ..... *Steven L. Friedman* 1053
Henry F. Siedzikowski

The Survivors' Twenty-Five Year Presumption under the Black Lung Benefits Reform Act of 1977: A Case for its Unconstitutionality ..... *David J. Millstone* 1079
Maria J. Codinach

Symposium on *Bradley v. Appalachian Power Co.*—West Virginia Adopts Comparative Negligence

Alas and Alack, Modified Comparative Negligence Comes to West Virginia ..... *Thomas C. Cady* 473

Comparative Negligence in West Virginia: A Defense Overview ..... *Alvin L. Emch* 493

The Plaintiff's View of Comparative Negligence ..... *E. Joseph Buffa Jr.* 523

Negotiation and Settlement: An Insurer's View of Comparative Negligence ..... *John L. Hunt* 537

Appendix—Sample Special Interrogatory Forms 545

Symposium on Tax

A Tax Incentive Approach to the Depletion Allowance Dilemma ..... *Thomas E. Bulleit Jr.* 1115

Federal Income Tax Treatment of the Acquisition and Disposition of Coal Interests: An Examination of I.R.C. § 631(c) ..... *John C. Coggin III* 1139

Acquisition of Coal Property Interests: Some Federal Tax Planning Observations ..... *Aaron H. Haspel* 1175
Douglas Sumner

Federal Income Tax Aspects of the Disposition of Coal Interests by a Corporation ..... *Louis S. Southworth* 1201
James H. Nix

BOOK REVIEWS

Book Review: *The Brethren*, by Bob Woodward and Scott Armstrong ..... *Gene R. Nichol, Jr.* 299

Book Review: *Energy Future: Report of the Energy Project at the Harvard Business School* ..... *William H. Miernyk* 1257

STUDENT PROJECTS

Special Student Project: Developments Under the Surface Mining Control and Reclamation Act of 1977: 1979 & 1980 1277

Sixty Year Annotated Index of Coal Related Articles From the *West Virginia Law Review* 1347

Survey of Developments in West Virginia Law: 1979 723

STUDENT NOTES

Attorney's Liability Under ERISA .... *David L. Campbell* 129

The Automobile Exception to the Warrant Requirement: Speeding Away From the Fourth Amendment ..... *Gene W. Gardner* 637

Changing Concepts in the Ad Valorem Severence Taxation of Coal in West Virginia ..... *John Kent Dorsey* 1365

Compensating Victims of Crime: Evolving Concept or Dying Theory? ..... *Kathleen V. Duffield* 89

A Constitutional Analysis of the Surface Owner Consent Provisions in the Tennessee Surface Mining Law and the West Virginia Oil and Gas Conservation Act ..... *James M. O'Brien* 1385

The Creation of Joint Tenancies—Common Law Technicalities vs. The Grantor's Intent ..... *Ellen Carle Lilly* 335

The Current State of Grievance Arbitration in the Coal Industry ..... *Larry W. Blalock* 1401

The Distribution of Marital Real Property Upon Divorce in West Virginia: The Need for Legislative Reform ..... *John F. Cyrus* 611

Evidentiary Requirements to Prove a Claim for Black Lung Benefits: Impact of the Black Lung Benefits Reform Act of 1977 ..... *F. Thomas Rubenstein* 1425

Jury Instructions v. Jury Charges ..... *J. Patrick Jones* 555

A Reappraisal of the Branch Banking Prohibition in West Virginia .... *Kurt E. Entsminger* 313

A Review of the Conflict Between Community—Based Group Homes for the Mentally Retarded and Restrictive Zoning ..... *Jane E. Reiner* 669

Secular Control of Non-Public Schools ..... *Carl L. Fletcher, Jr.* 111

Tort of Insurer's Bad Faith Refusal to Pay First-Party Claims ..... *Linda Gay* 579

CASE COMMENTS

Case Comments: *State v. Frazier* ..... *Lucinda Masterton* 703

Gypsum Intent and Felonious Conspiracies Under Section 1 of the Sherman Act: *U.S. v. Gillen* ..... *Larry W. Blalock* 371

Inquiries Into the Numerical Division of Juries: *Ellis v. Reed* ..... *James M. O'Brien* 383

Ownership of Coal Bed Gas: *United States Steel Corporation v. Hoge* ..... *Donna P. Grill* 357

A Reaffirmation of Citizen Suits Policy Within the Clean Air Act: *Baughman v. Bradford Coal Co., Inc.* ..... *Hunter C. Quick* 709

The Transfer of Juveniles to Criminal Jurisdiction: *State v. M.M.* ..... *Linda Gay* 687